

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR

455 Golden Gate Avenue, Tenth Floor
San Francisco, CA 94102
(415) 703-5050

November 20, 2001

Dan Pawlowski
Central Truck & Auto
1222 Magnolia Avenue, Suite 105-289
Corona, CA 91719

Re: Public Works Case No. 2000-091
County Sanitation Districts of Los Angeles County
Water Truck Operators at County Landfills

Dear Mr. Pawlowski:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations, section 16001(a). Based on my review of the facts of this case and an analysis of the applicable law, it is my determination that the work described in the invitation for bid issued by the County Sanitation Districts of Los Angeles County ("County") for water truck operators at four County landfills is a public work for which prevailing wages must be paid.

To supplement its own fleet of water truck operators, the County solicited bids from contractors for the furnishing of water trucks and drivers to perform various services at four County landfills. The landfills are the Calabasas Landfill in Agoura, the Scholl Canyon Landfill in Glendale, the Puente Hills Landfill in Whittier and the Spadra Landfill in Walnut. The work to be performed includes general dust control, washing down of roads, washing down at weigh scales, on-site transport and discharge of recovered groundwater and high-quality landfill waters, soil and backfill compaction operations, hand-watering of trees, import of water from off-site locations and application of an odor control agent.

Labor Code Section¹ 1720(a) provides that "public work includes construction, alteration, demolition, or repair work done under contract and paid for in whole or in part with public funds...." Section 1771 extends prevailing wage obligations to contracts let for maintenance work. Title 8, California Code of Regulations, section 16000, defines "maintenance" in relevant part to include:

¹ All subsequent section references are to the Labor Code unless otherwise indicated.

Letter to Dan Pawlowski
Re: Public Works Case No. 2000-091
November 20, 2001
Page 2

(1) Routine, recurring and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility (plant, building, structure, ground facility, utility system or any real property) for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired.

. . .

(3) Landscape maintenance.

The work of the water truck operators at the four County landfills in this case, including but not limited to dust control, washing down of roads and weigh scales, and application of odor control agents, is routine, recurring and usual work for the preservation, protection and keeping of the publicly owned and operated landfills for their intended purposes so they may be kept in a safe and continually usable condition for which the landfills were designed and constructed. In addition, the hand-watering of trees would fit within the definition of landscape maintenance. As such, the work of the water truck operators is maintenance under the above-referenced regulation.

The County argues that the work in question is not maintenance under a "common sense" definition of "fix it" work. The County asserts that such a definition is confirmed by the court in *Piledrivers' Local Union v. City of Santa Monica*, 151 Cal.App.3d 509, 513-514, 198 Cal. Rptr. 731 (1984), which quotes Webster's New World Dictionary of the American Language. The County's argument is without merit. The relevant definition of maintenance here is that contained within the applicable public works law, not dictionary definitions. *Piledrivers'* is also unavailing because the issue presented in that case was not payment of prevailing wages, but whether the maintenance and repair of a city pier was exempt under the charter city exemption from the competitive bidding provisions of the Public Contract Code. That exception has no application to these facts.

In addition, alteration of land is a public work under section 1720(a). *Priest v. City of Oxnard* (1969) 275 Cal.App.2d 751, 80

100475


Letter to Dan Pawlowski
Re: Public Works Case No. 2000-091
November 20, 2001
Page 3

Cal.Rptr. 145.² Section 1720(a) applies to employees of a contractor who alter the land surface of a county landfill. 64 Ops.Cal.Atty.Gen. 234, 236 (1981). A particular aspect of the work here - soil and backfill compaction work - constitutes alteration. As such, it is a public work under section 1720(a) also.

For the above reasons, the work of the water truck operators at the four County landfills in this case is a public work for which prevailing wages must be paid.

I hope this determination letter satisfactorily answers your inquiry.

Sincerely,


Stephen J. Smith
Director

² See also, Precedential Public Works Decision on Administrative Appeal, Case No. 99-059, Asbestos Pipe Removal Project, March 20, 2000; Precedential Public Works Coverage Determination, Case No. 2001-002, Mono County Transfer Station, April 18, 2001.

000476